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Attorneys for Plaintiff
Melissa Jane Collins Cooper

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MELISSA JANE COLLINS COOPER,	)	Case No.: 1:22-cv-01140-SKO
)	
Plaintiff,	)	ORDER GRANTING STIPULATION
	)	AND UNOPPOSED MOTION FOR
vs.	)	THE AWARD AND PAYMENT OF
	)	ATTORNEY FEES AND EXPENSES
KILOLO KIJAKAZI,	)	PURSUANT TO THE EQUAL
Acting Commissioner of Social	)	ACCESS TO JUSTICE ACT, 28 U.S.C.
Security,	)	§ 2412(d) AND COSTS PURSUANT
	)	TO 28 U.S.C. § 1920
Defendant.)	
	)	(Doc. 18)

TO THE HONORABLE SHEILA OBERTO, MAGISTRATE JUDGE OF
THE DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Melissa Jane Collins Cooper be awarded attorney fees and expenses in the amount of one thousand three hundred dollars (\$1,300.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents

1 compensation for all legal services rendered on behalf of Plaintiff by counsel in
2 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Cooper, the government
4 will consider the matter of Cooper's assignment of EAJA fees to Young Cho. The
5 retainer agreement containing the assignment is attached as exhibit 1. Pursuant to
6 *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment
7 will depend on whether the fees are subject to any offset allowed under the United
8 States Department of the Treasury's Offset Program. After the order for EAJA fees
9 is entered, the government will determine whether they are subject to any offset.

10 Fees shall be made payable to Cooper, but if the Department of the Treasury
11 determines that Cooper does not owe a federal debt, then the government shall
12 cause the payment of fees, expenses and costs to be made directly to Law Offices
13 of Lawrence D. Rohlfig, Inc., CPC, pursuant to the assignment executed by
14 Cooper.¹ Any payments made shall be delivered to Young Cho.

15 This stipulation constitutes a compromise settlement of Melissa Jane
16 Collins Cooper's request for EAJA attorney fees, and does not constitute an
17 admission of liability on the part of Defendant under the EAJA or
18 otherwise. Payment of the agreed amount shall constitute a complete release from,
19 and bar to, any and all claims that Cooper and/or Young Cho including Law
20 Offices of Lawrence D. Rohlfig, Inc., CPC may have relating to EAJA attorney
21 fees in connection with this action.

22 This award is without prejudice to the rights of Young Cho and/or the Law
23 Offices of Lawrence D. Rohlfig, Inc., CPC to seek Social Security Act attorney
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: March 7, 2023

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

/s/ *Young Cho*

BY:

Young Cho

Attorney for plaintiff Melissa Jane Collins Cooper

DATE: March 7, 2023

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation, Office 7

Social Security Administration

/s/ *Mary Tsai*

MARY TSAI

Special Assistant United States

Attorney

Attorneys for Defendant KILOLO KIJAKAZI,
Acting Commissioner of Social Security
(Per e-mail authorization)

ORDER

Based upon the foregoing Stipulation and Unopposed Motion for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses (Doc. 18),

IT IS ORDERED that fees and expenses in the amount of \$1,300.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation and Unopposed Motion.

IT IS SO ORDERED.

Dated: March 8, 2023

/s/ *Sheila K. Oberto*

UNITED STATES MAGISTRATE JUDGE

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